

**To:** Herrera, Angeles[Herrera.Angeles@epa.gov]  
**From:** Greg Lovato  
**Sent:** Tue 11/17/2015 4:00:15 AM  
**Subject:** RE: Settlement Communication - RE: Anaconda/Yerington Mine Site - Atlantic Richfield's Response to NDEP's August 26, 2015 Letter

Thanks Angeles. I am checking with Jasmine and Jeff to see if they would be available 2:30 pacific or after tomorrow. I will be in New Orleans but can be available then, pending flights on time etc....

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From: Herrera, Angeles [Herrera.Angeles@epa.gov]  
Sent: Monday, November 16, 2015 7:11 PM  
To: Greg Lovato  
Subject: RE: Settlement Communication - RE: Anaconda/Yerington Mine Site - Atlantic Richfield's Response to NDEP's August 26, 2015 Letter

Hi Greg,

I finally had an opportunity to meet with our Anaconda team regarding this request. We would like to schedule a conference call with your team, if possible tomorrow or Wed. Please let me know what works best for you. Thanks. Angeles

From: Greg Lovato [mailto:glovato@ndep.nv.gov]  
Sent: Tuesday, November 03, 2015 1:36 PM  
To: Herrera, Angeles; Minor, Dustin  
Cc: 'Jasmine K. Mehta'  
Subject: FW: Settlement Communication - RE: Anaconda/Yerington Mine Site - Atlantic Richfield's Response to NDEP's August 26, 2015 Letter

Angeles and Dusty,

I got an ok from ARC to forward this e-mail chain to you.

As we discussed with Jared and Leo today, NDEP plans to coordinate with you on understanding EPA's threshold concerns or conditions associated with a potential private funding alternative for OU-8. I see this building up into a convincing case that NDEP and EPA are committed to making reasonable accommodations for alternatives to NPL.

As explained in their 9/24 letter, one of the key issues for ARC is EPA role. As you can see below, ARC would like some assurances and predictability with respect to EPA's involvement under a state lead scenario. It would be helpful for NDEP to understand EPA's general position on this matter, and under what limitations or conditions EPA could agree to limit its involvement at the site.

We also look forward to understanding any threshold concerns EPA may have with the NDEP August 26, 2015 framework proposal to ARC/SPS. In the next few days, I will be forwarding any additional clarifications based on discussions over the past few months.

Also, when you have a chance please let me know what you think the best way to go about this is, via teleconference, EPA drafting a bullet list of issues etc.

Thanks,  
Greg

From: Johnson, Brian S [mailto:Brian.S.Johnson@bp.com]  
Sent: Tuesday, October 06, 2015 6:09 AM  
To: Greg Lovato

Cc: Jeff R. Collins; Rebecca Bodnar; Jeryl Gardner; 'Jasmine K. Mehta'; Gallery, Patricia A; Oman, Jack; Halsey, Ronald H; Lucari, James L; Cohen, Adam  
(Adam.Cohen@dgsllaw.com<mailto:Adam.Cohen@dgsllaw.com>)  
Subject: RE: Settlement Communication - RE: Anaconda/Yerington Mine Site - Atlantic Richfield's Response to NDEP's August 26, 2015 Letter

Greg,

You have characterized our conversation correctly. While a covenant would be the strongest and most preferred route, we are open to talking about other ways of accomplishing the same ends so that EPA's route back into managing the site are well defined, limited, and committed to in writing. How this may look will likely be a major topic of discussion as we try to see if this path forward is viable. AR looks forward to more fully discussing this issue with NDEP and EPA as we move forward.

Thanks,

Brian S. Johnson  
Strategy Manager

From: Greg Lovato [mailto:glovato@ndep.nv.gov]  
Sent: Monday, October 05, 2015 3:17 PM  
To: Johnson, Brian S  
Cc: Jeff R. Collins; Rebecca Bodnar; Jeryl Gardner; 'Jasmine K. Mehta'; Gallery, Patricia A; Oman, Jack; Halsey, Ronald H; Lucari, James L; Cohen, Adam  
(Adam.Cohen@dgsllaw.com<mailto:Adam.Cohen@dgsllaw.com>)  
Subject: Settlement Communication - RE: Anaconda/Yerington Mine Site - Atlantic Richfield's Response to NDEP's August 26, 2015 Letter

Brian,

After talking with you last week I wanted to make sure we understood ARC's position with respect to covenants from EPA. At our July meeting I understood that ARC was not necessarily seeking EPA CERCLA/CWA releases on liability in order to pursue a site-wide agreement with the state at this time. Based on my recent discussion with you, the EPA covenants mentioned in the second paragraph on the second page of ARC's 9/24 letter are more related to circumscribing EPA's involvement in the site during the period the state is in the lead. As a condition of entering into an agreement with ARC, NDEP would seek specific assurances from EPA on EPA's role and triggers for re-engagement in an MOA. Please reference the MOA discussion on page 4 of my August 26 letter to you. I don't believe we could get these assurances in place as legally binding covenants per se, as I don't have any experience or examples of EPA granting covenants under these circumstances.

If this is generally acceptable please let me know. If not, please let me know if ARC has time this week to discuss as it appears this is a threshold matter to ARC for starting negotiation.

Greg

From: Cohen, Adam [mailto:Adam.Cohen@dgsllaw.com]  
Sent: Thursday, September 24, 2015 4:48 PM  
To: Greg Lovato  
Cc: Jeff R. Collins; Rebecca Bodnar; Jeryl Gardner; 'Jasmine K. Mehta'; patricia.gallery@bp.com<mailto:patricia.gallery@bp.com>; Jack Oman (Jack.Oman@bp.com<mailto:Jack.Oman@bp.com>); Ronald H. Halsey (Ronald.Halsey@bp.com<mailto:Ronald.Halsey@bp.com>); james.lucari@bp.com<mailto:james.lucari@bp.com>; 'tpatton@quaterra.com'; Taurus Massey; Carla A. Consoli (CConsoli@LRRLaw.com<mailto:CConsoli@LRRLaw.com>); Angeles Herrera; Ball, Harold; Seter, David; rodriguez.dante@epa.gov<mailto:rodriguez.dante@epa.gov>; Minor, Dustin;

helmlinger.andrew@epa.gov<mailto:helmlinger.andrew@epa.gov>; Cohen, Adam; Brian S. Johnson (brian.s.johnson@bp.com<mailto:brian.s.johnson@bp.com>); Steve Dischler (sdischler@quatterra.com<mailto:sdischler@quatterra.com>); Dave Emme; 'Manzanilla.enrique@Epa.gov'  
Subject: RE: Anaconda/Yerington Mine Site - Atlantic Richfield's Response to NDEP's August 26, 2015 Letter

Greg – I'm forwarding Atlantic Richfield's response to your August 26, 2015 letter.

Adam S. Cohen

P: 303.892.7321 ▪ C: 720.936.3017 ▪ P: 303.892.9400 ▪ vcard

<<http://www.dgslaw.com/images/vCards/acoh.vcf>>

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From: Greg Lovato [mailto:[glovato@ndep.nv.gov](mailto:glovato@ndep.nv.gov)]

Sent: Wednesday, August 26, 2015 2:27 PM

To: Brian S. Johnson (brian.s.johnson@bp.com<mailto:brian.s.johnson@bp.com>); Steve Dischler (sdischler@quatterra.com<mailto:sdischler@quatterra.com>)

Cc: Jeff R. Collins; Rebecca Bodnar; Jeryl Gardner; 'Jasmine K. Mehta';

patricia.gallery@bp.com<mailto:patricia.gallery@bp.com>; Jack Oman

(Jack.Oman@bp.com<mailto:Jack.Oman@bp.com>); Ronald H. Halsey

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Massey; Carla A. Consoli (CConsoli@LRRLaw.com<mailto:CConsoli@LRRLaw.com>); Angeles Herrera;

Ball, Harold; Seter, David; rodriguez.dante@epa.gov<mailto:rodriguez.dante@epa.gov>; Minor, Dustin;

helmlinger.andrew@epa.gov<mailto:helmlinger.andrew@epa.gov>

Subject: Anaconda/Yerington Mine Site

Brian and Steve,

Please find attached NDEP's proposal for a path forward at the Anaconda/Yerington Mine Site.

Thank you,

Greg

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[cid:image001.jpg@01D1000E.433B58C0]

Greg Lovato, Deputy Administrator

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